



# **Advisory Neighborhood Commission 8C**

## **Resolution 6-15-2022**

### **District of Columbia Drug Policy Reform**

#### **Act of 2021**

June 15, 2022



Advisory Neighborhood Commission 8C is in support for the newly launched #DecrimPovertyDC Coalition, and their groundbreaking legislative proposal, the District of Columbia Drug Policy Reform Act of 2021 (DPRA of 2021). This proposed legislation would comprehensively shift the District's approach to addressing drug use/misuse away from criminalization and over to a more evidence-based, public health strategy. The DPRA of 2021 would remove criminal penalties for drug possession of personal use quantities, establish much needed 24/7 harm reduction centers that would provide overdose prevention services, approve drug checking services, record relief, and a host of other justice reform and health-based provisions that would strengthen our city's harm reduction safety net and center life-saving interventions. We urge the Council of the District of Columbia to swiftly introduce and pass the DPRA of 2021.

According to the Center for Disease Control data, in 2020, the District saw the highest overdose rates on record. It is estimated that 511 people died from accidental overdose deaths in the District. We are in a state of emergency that requires an urgent, systemic change to how the District addresses drug use. We applaud the Council of the District of Columbia for moving to expand access to harm reduction supplies in 2020 by decriminalizing drug use equipment previously criminalized under the District's paraphernalia laws - allowing for community-based organizations to distribute "safe administration" kits. That was an important step in promoting public health and harm reduction. We believe that the next step is to end arresting and incarcerating people simply for possessing or using drugs while simultaneously investing in health and harm reduction services.



Drug decriminalization benefits public and individual health. Current drug prohibition laws make the mistake of associating drug use and drug possession with addiction when studies continue to demonstrate that 70 percent or more of drug users do not meet the criteria for addiction or struggle with problematic use. At the same time, we know that drug criminalization harms those who actually need and want treatment. Criminalization has been a big driver of the overdose crisis because criminalization actively dissuades people from getting help for fear of arrest and experiencing stigma from law enforcement, healthcare workers and others. Criminalization perpetuates the stigmatization of people who use drugs, making it more difficult to engage them in treatment, health care and other vital services that are proven to transform and save lives. Stigma is a major factor preventing individuals from seeking and completing drug treatment and from utilizing harm reduction services such as syringe access programs. Not only is this an issue of easing access to healthcare and services, but a needed, evidence-based way to save the life and health prospects of people who use drugs in the District. Washingtonians should not continue to die accidentally, from preventable overdose death. Additionally, there is a significant human cost to criminalization. Research shows that in the first two weeks after being released from prison, formerly incarcerated people are 40 times more likely to die of an opioid overdose than someone in the general population. Even an entire year after release, overdose rates remained 10-18 times higher among formerly incarcerated individuals compared to the general population. Incarceration of people living with substance use disorder produces the worst outcomes and often leads to accidental, fatal overdose.





Enforcement of drug possession laws have produced profound racial and ethnic disparities. Although rates of reported drug use do not differ substantially across race, Black and under-resourced Washingtonians continue to carry the brunt of over-enforcement. In 2020, 268 people were arrested for drug possession, and 91% of those arrests were of Black Washingtonians. People arrested or convicted of drug law violations face a host of additional collateral consequences that often impact a person's ability to maintain or secure employment, housing, occupational licenses, funding for education, etc., which in turn can complicate a person's ability to live a stable life - especially for community members living in poverty and/or living with substance use disorder. In fact, the collateral consequences of a drug arrest or conviction can exacerbate problematic drug use. The brunt of these collateral consequences disproportionately harms poor people and people of color, while wealthy people typically have the resources to address criminal justice issues and/or problematic drug use voluntarily and privately.

Removing penalties for drug possession would facilitate a divestment from the criminal justice system and an investment in public health to fund projects and evidence-based interventions that can benefit our communities and help curb addiction, such as investments in health care, education, housing, and life-saving, non-coercive treatment services for those who want and need it.

Abroad, responding to escalating overdose and HIV rates, Portugal removed criminal penalties for drug possession in 2001. Studies have revealed that the country did not experience any major increase in drug use, all while enjoying fewer drug-related arrests,



plummeting rates of HIV and drug-related deaths, and an increase in the number of people seeking treatment. Furthermore, research has found that post-decriminalization, the criminal legal system in Portugal functions more efficiently with significant drops in criminal caseloads while community relations with the police have greatly improved.

In 2020, Oregon became the first U.S. state to embrace drug decriminalization by passing a groundbreaking measure--Measure 110--that decriminalized possession of drugs statewide and invested in drug treatment options. A report by the Oregon Criminal Justice Commission found that statewide drug decriminalization would reduce 95% of racial disparities in drug arrests and lower criminal convictions of Black and Indigenous residents by 94%. Moreover, a New York City Health Department feasibility study found that overdose prevention centers would save up to 130 lives a year. In just two months of New York City opening the nation's first overdose prevention centers, 114 overdoses were reversed. DPRA of 2021 would establish 24/7 harm reduction centers, which would host the same overdose prevention services as the groundbreaking New York centers. We urgently need to take advantage of evidence-based interventions that save lives instead of punishment.

There has never been a more pertinent time to advocate for such monumental change. Recently released polling shows that more than four out of five (83%) District of Columbia voters, including a majority of voters across all major demographic groups, support removing criminal penalties for possession of small amounts of drugs and investing in health services. The poll evaluated several components of #DecrimPovertyDC's legislative proposal, and while each component had widespread support, increasing funding for services and 24/7 harm reduction centers was almost universally favored by all voters, with 95 percent and 93

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percent support respectively. Furthermore, right next door in Baltimore, Johns Hopkins University researchers measured Baltimore State Attorney Marilyn Mosby's policy to quit prosecuting drug possession over a 14-month study period and they found no increase in citizen complaints or great threat to public safety.

Our constituents and their families are dying every day from the impacts of drug criminalization, stigma, and a failure to center public health. Therefore, in order to save lives, use funds more efficiently, and re-imagine public safety and health, at a meeting duly noticed with a quorum present, on June 15, 2022, Advisory Neighborhood Commission 8C recommends that Council of the District of Columbia pass the District of Columbia Drug Policy Reform Act of 2021. We strongly support the #DecrimPovertyDC's effort to remove criminal penalties for personal use drug possession, establish 24/7 harm reduction center(s), address life-long consequences of convictions, and invest in life-saving and stabilizing support and resources instead of punishment.

  
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Chairperson  
ANC 8C

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